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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 EDWARD ALVARADO, JOHN AZZAM, ) Case No. C04-0098 SI  
CHARLOTTE BOSWELL, TANDA BROWN, )  
BERTHA DUENAS, PERNELL EVANS, ) Case No. C04-0099 SI  
CHARLES GIBBS, JANICE LEWIS, MARIA )  
16 MUNOZ, KEVIN NEELY, LORE PAOGOFIE, ) DEFENDANT'S REVISED NOTICE OF  
DYRONN THEODORE, LASONIA WALKER ) MOTION SEEKING AN ORDER  
and CHRISTOPHER WILKERSON, ) SEVERING PLAINTIFFS'  
17 ) RESPECTIVE CLAIMS FOR  
Plaintiffs, ) SEPARATE TRIAL  
18 )  
v. ) Date: May 19, 2006  
19 FEDEX CORPORATION, a Delaware ) Time: 9:00 a.m.  
corporation, dba FEDEX EXPRESS, ) Judge: Hon. Susan Illston

21 Defendant. )

22 GARY WHITE and ALEXANDER RIVERA, )

23 Plaintiffs, )

v. )

24 FEDEX CORPORATION, a Delaware )  
corporation, FEXEX EXPRESS, a Delaware )  
corporation, et al )

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28 Defendant's Revised Notice of Motion Seeking an Order Severing Plaintiffs' Respective Claims  
for Separate Trial, Case No. C04-0098 SI, C04-0099SI.

## **REVISED NOTICE AND MOTION**

**TO THE PLAINTIFFS HEREIN AND THEIR ATTORNEYS OF RECORD**

3 PLEASE TAKE NOTICE that at 9:00 a.m., May 19, 2006, before the Honorable Susan  
4 Illston, at the United States District Courthouse, 450 Golden Gate Avenue, 19th Floor, San  
5 Francisco, California, defendant Federal Express Corporation (“FedEx”) will and does hereby  
6 move the Court for an order severing plaintiffs’ respective claims for separate trial.

7 FedEx will be prejudiced if Plaintiffs' claims are tried in a single action. If tried together,  
8 there will be many witnesses whose testimony will be relevant to only one Plaintiff's claims.  
9 This testimony necessarily will color the jury's perception with respect to all of the Plaintiffs'  
10 cases. Moreover, a jury will have a difficult, if not impossible, time keeping each Plaintiff's  
11 claim separate and requiring each Plaintiff to independently prove his/her case. Accordingly, the  
12 Court should require a separate trial for each Plaintiff.

DATED: March 28 2006

FEDERAL EXPRESS CORPORATION

By Frederick L. Douglas  
Frederick L. Douglas  
Lead Counsel

20 Doc. No. 595390